

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 814 – SB 1244

March 2, 2010

SUMMARY OF AMENDMENT (014765): Deletes all language after the enacting clause. Creates an affirmative defense to prosecution that a person exposed to hepatitis B virus (HBV) or hepatitis C virus (HCV) knew the infected person was infected with HBV or HCV, knew the action could result in infection, and gave advance consent to the action with that knowledge. Such affirmative defense must be proven by a preponderance of the evidence. Creates a Class A misdemeanor for criminal exposure of another to HBV or HCV. Violation is punishable by fine only of not more than \$1,000. A victim of criminal exposure to HBV or HCV may maintain an action for the expenses and the actual loss of service resulting from such exposure.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$156,900/Incarceration*

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – Not Significant
Increase State Expenditures – Not Significant

Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

Assumptions applied to amendment:

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

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- Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc